

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TBC CONSOLES, Inc.,

Plaintiff,

-against-

FORECAST CONSOLES, Inc.,

Defendant.

05 Civ. 2756 (KMW) (AJP)

-----X  
FORECAST CONSOLES, INC.,

Plaintiff,

-against-

TBC CONSOLES, INC., et al.,

Defendants.

07 Civ. 3106 (KMW) (KNF)

ORDER

-----X  
KIMBA M. WOOD, U.S.D.J.:

This order responds to multiple issues raised in the parties' joint letter dated July 15, 2008 (the "Letter").

**I. Statements and Motions Under Consideration**

The Letter inquires about the status of the parties' (1) 56.1 Initial, Counter, and Reply Statements, (D.E. 19-24), and (2) joint motion, in a letter to Chambers dated May 29, 2008, to bifurcate the issues of liability and damages

in this action pursuant to Federal Rule of Civil Procedure 42(b). The Court is considering these submissions.

## **II. Lifting of Stay**

By Order dated December 19, 2005, the Court stayed proceedings in TBC Consoles, Inc. v. Forecast Consoles, Inc. ("TBC Consoles") pending the resolution of a U.S. Patent and Trademark Office (the "PTO") reexamination proceeding regarding the underlying patent at issue. (D.E. 12). The Letter notifies the Court that the PTO has resolved its reexamination proceeding. No later than August 7, 2008, the parties shall (1) provide the Court with documentation from the PTO confirming this resolution, and (2) inform the Court of any objections to lifting the stay in TBC Consoles.

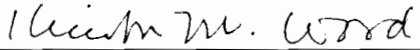
## **III. Consolidation, Discovery, and Status Conference**

The Letter requests a status conference to discuss the consolidation of the above-captioned matters and a modification of the discovery schedule in Forecast Consoles, Inc. v. TBC Consoles, Inc. ("Forecast Consoles"). A status conference is unnecessary at this time. If and when the stay is lifted in TBC Consoles, the parties may renew their requests to consolidate these actions, modify the discovery schedule, and hold a status conference. Before that time, any requests to amend the discovery schedule in Forecast Consoles should be addressed to Magistrate Judge Kevin N.

Fox to whom such pre-trial issues have been referred. (D.E.  
10).

SO ORDERED.

Dated: New York, New York  
July 24, 2008

  
\_\_\_\_\_  
Kimba M. Wood  
United States District Judge